

SEP 14 2006

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

THEODORE ELKO LUCIOW,

Defendant - Appellant.

No. 05-10712

D.C. No. CR-90-00282-PGR

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Paul G. Rosenblatt, District Judge, Presiding

Submitted September 11, 2006^{**}

Before: PREGERSON, T.G. NELSON, and GRABER, Circuit Judges.

Theodore Elko Luciw appeals from the 48-month sentence imposed following revocation of supervised release. We have jurisdiction under 28 U.S.C.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 1291. We review for reasonableness, *United States v. Miquel*, 444 F.3d 1173, 1176 & n.5 (9th Cir. 2006), and we affirm.

We conclude that the district court articulated sufficiently specific reasons for imposing a sentence outside the Chapter 7 recommended sentencing range. *See United States v. Musa*, 220 F.3d 1096, 1101 (9th Cir. 2000). Furthermore, the sentence is not unreasonable because the district court correctly considered the Chapter 7 policy statements and applied the factors enumerated in 18 U.S.C. § 3583(e). *See United States v. Mix*, 457 F.3d 906, 911-13 (9th Cir. 2006).

To the extent that Luciw raises other contentions, those contentions lack merit.

AFFIRMED.